

1                   **BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION**  
2                   **REBUTTAL TESTIMONY OF RONALD W. MILLS**  
3                   **ON BEHALF OF**  
4                   **AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, INC.**  
5                   **AND TCG MIDSOUTH, INC.**  
6                   **DOCKET NO. 2000-465**  
7                   **FEBRUARY 20, 2001**

8  
9   **Q.   PLEASE STATE YOUR NAME AND ADDRESS.**

10   A.   My name is Ronald Mills. My business address is 1200 Peachtree Street, NE,  
11       Atlanta, Georgia 30309.

12  
13   **Q.   BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

14   A.   I am employed by AT&T Corp. ("AT&T") as a District Manager within the Law  
15       and Government Affairs organization.

16  
17   **Q.   ARE YOU THE SAME RONALD W. MILLS THAT FILED DIRECT**  
18       **TESTIMONY IN THIS CASE ON FEBRUARY 6, 2001?**

19   A.   Yes, I am.

20  
21   **Q.   WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

22   A.   The purpose of my rebuttal testimony is to respond to Mr. Milner's testimony  
23       regarding Issue 16: whether the criminal background investigation requirement

1 that BellSouth seeks to impose on AT&T's employees and agents seeking access  
2 to collocated space in BellSouth premises is appropriate.

3  
4 **ISSUE 16: COLLOCATION SECURITY.**

5 **Q. MR. MILNER INDICATES THAT BACKGROUND SECURITY CHECKS**  
6 **ARE REASONABLE PUBLIC SAFETY REQUIREMENTS TO PROTECT**  
7 **THE INTEGRITY AND RELIABILITY OF BELLSOUTH'S NETWORK.**  
8 **DO YOU AGREE?**

9 A. No. BellSouth's requirement is excessive. AT&T has agreed to reasonable steps  
10 to ensure the safety of BellSouth's property. AT&T has assured BellSouth that  
11 any AT&T representatives accessing collocation space will be bonded, and the  
12 parties have agreed to liability and indemnification language in Section 10 of the  
13 General Terms and Conditions that covers BellSouth in the event of any damage  
14 from activities of an AT&T employee or agent.

15  
16 **Q. HAS AT&T ATTEMPTED TO MEET BELLSOUTH'S DEMANDS?**

17 A. AT&T has attempted to meet BellSouth's demands by offering to perform  
18 criminal background checks on employees who have been working for AT&T for  
19 less than two years. BellSouth rejected AT&T's offer.

20  
21 **Q. HAS BELLSOUTH ESTABLISHED THAT BACKGROUND SECURITY**  
22 **CHECKS WOULD BE EFFECTIVE IN DEALING WITH THE ALLEGED**  
23 **PROBLEM?**

24 A. No. In fact, BellSouth has not even established that a problem exists. BellSouth  
25 twice repeats its bald assertion that "[a] simple reading of today's newspaper  
26 headlines" supports its demands. (Milner Direct p. 5, lines 20-21; p. 7, line 25.)

1           However, AT&T's review of headlines from several major newspapers in the  
2           Southeastern United States from December 1999 to December 2000 fails to  
3           disclose a single episode of intentional destruction of BellSouth facilities  
4           attributed to an employee or agent of a CLEC. AT&T believes that such an  
5           incident has never occurred. Indeed, BellSouth admitted in discovery that AT&T  
6           employees have had access to collocation space in BellSouth facilities for several  
7           years without any incident involving intentional damage to BellSouth's network.  
8           BellSouth's insistence on extreme and invasive security measures to address a  
9           phantom problem is unreasonable.

10           Moreover, BellSouth has provided no data to support its contention that  
11           "the criminal background check proposed by BellSouth [is] effective in limiting  
12           or restricting a worker from harming or damaging property." (Milner Direct p. 7,  
13           lines 9-15.) According to the FCC's *Advanced Services Order*, FCC 99-48 ¶ 48,  
14           reasonable security arrangements include security cameras, restricted access and  
15           other monitoring systems. The BellSouth facilities that contain collocation space  
16           to which AT&T representatives need access are already equipped with some or all  
17           of these reasonable security measures. There is no indication that requiring  
18           criminal background checks will measurably improve security. Thus, BellSouth's  
19           request is completely unjustified.

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21   **Q.    ARE MR. MILNER'S ADDITIONAL REQUIREMENTS WARRANTED?**

22   A.    No. Mr. Milner would have the KPSC prohibit AT&T from knowingly assigning  
23   to BellSouth's premises any individual who is a former employee or contractor of

1 BellSouth and whose employment or access was terminated for a criminal  
2 offense. (Milner Direct p. 4, line 17 to p. 5, line 6.) However, as with the  
3 background security check demand, Mr. Milner invites the Commission's  
4 intervention without establishing the existence of a problem. Mr. Milner fails to  
5 describe a single adverse event associated with the conduct he advocates  
6 prohibiting. In fact, Mr. Milner does not even allege that AT&T engages in that  
7 conduct. If there is a problem related to BellSouth's former employees and  
8 contractors, BellSouth should provide data establishing its magnitude. Unless and  
9 until it does so, the KPSC should not expend resources on devising a remedy.

10  
11 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

12 **A. Yes.**